IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.954 OF 2007

Gangaram Laxman Rasal. ...Petitioner.

vs.

State of Maharashtra. ...Respondent.

Mr.Uday Warunjikar, for Petitioner.

Mr.A.H.Palekar, AGP for Respondent-State.

CORAM: D.K.DESHMUKH &

V.M.KANADE, JJ.

DATED: 20th NOVEMBER,2007.

P.C.:-

1. The petitioner is Ex-servicemen. He applied for allotment of land as a person retired from army. His application has been rejected by communication dated 2.5.2002 relying on the Government resolution dated 15.5.1999. By this

petition, the petitioner challenges the validity of that Government resolution. We have perused the Government resolution. It appears that the policy decision of the State Government initially was to grant priority in allotment of land to those persons who had participated in 1971 Indo-Pak war and 1962 Indo-Pak war and Operation Pawan. A grievance was made by the persons not involved in those wars but who had received Param Vishishta Seva Padak, Ati Vishishta Seva padak or Vishishta Seva padak. The Government by Resolution dated 15.5.1999 decided to grant priority to such persons also. The petitioner admittedly is not holding any such medal and therefore, allotment is denied to him. The learned Counsel submits the Government Resolution of 1999 is discriminatory. In our opinion, the challenge is not well founded because the policy decision of the Government is to give priority to only a particular category of persons. The distinction is made between the personnel who participated in certain wars and the personnel who did not participate in those Wars and

personnel who were recipients of certain named medals and personnel who did not receive those medals. The matter is essentially in the realm of policy decision and we do not find any arbitrary discrimination made.

2. It appears that the petitioner initially filed a civil suit, it is only after dismissal of the civil suit that he has filed the writ petition. As the petitioner does not comply with the criteria laid down by the State Government for entitling him to priority in grant of government land, no exception can be taken to the decision of the State Government. The petition is, therefore, disposed of.

(D.K.DESHMUKH, J.)

(V.M.KANADE,J.)